



U.S. DEPARTMENT OF  
**ENERGY**

# **America's Next Top Energy Innovator**

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# Reducing Barriers for Entrepreneurs

“When it comes to job creation, start-ups are not everything, they are the **ONLY** thing.”

Carl Schramm, Kauffman Foundation



- Goal: Double number of successful start-ups from DOE National Labs (FY09 →FY21)
- Strategy: Increase the number of negotiated Option Agreements for start-ups from DOE Labs by lowering transaction costs (time & money)

# America's Next Top Energy Innovator

- Pilot Program from May 2 – December 15, 2011
  - Template option agreement for any DOE patent\*
    - \$1,000 up-front fee
    - 12 month option
      - 6 month option with a 6 month no cost extension
    - Portfolio of up to 3 patents for a specific technology from a single laboratory
    - Deferment of patent cost for up to 2 years
    - Optional VC mentoring available
    - Showcased at ARPA-E Innovation Summit



\*These are patents held by the contractors that manage DOE Laboratories. For DOE-owned patents, license agreement with similar terms will be offered.

# Fine Print

- Fairness of Opportunity (FOO) requirement
  - For technologies that have not yet been published as available, the labs will need to ensure FOO is met.
- U.S. Manufacturing Preference/Requirement
- Patent cost deferment excludes ongoing foreign patent cost or out of the ordinary expenses such a interference.
- For multiple inquiries for same IP and field of use overlap: Lab will use their current best practices to select Optionee.

# Process

- Browse DOE's portfolio of technologies
- Submit business plan to appropriate lab
- Complete template Option with lab
- Starting working toward agreed-upon milestones



<http://techportal.eere.energy.gov/>

4/27/20

# FAQ



- **Q1: Are foreign companies eligible?**
  - A1: No, program is limited to newly created U.S. start-ups that submit a business plan to the lab that holds the IP the start-up is interested in commercializing.
- **Q2: How extensive does the business plan need to be?**
  - A2: It must describe the general market and business opportunity the start-up expects to address and include a set of commercialization milestones and the associated financial and personnel requirements to achieve those milestones. A lab may be willing to allow a start-up to develop a more robust business plan during the first months of the Option, so long as a preliminary plan is submitted with requisite experience and expertise and/or a credible plan for a timely acquisition of that expertise.
- **Q3: Are other government agencies also participating?**
  - A3: Not at this time, this is a pilot program that may be adopted at a later date by other agencies.

# FAQ (Cont'd)



- **Q4: Are universities eligible?**
  - A4: No, but they are encouraged to promote the program to their students, faculty, and staff, especially with respect to IP bundling.
- **Q5: How will DOE handle multiple inquiries for the same technology?**
  - A5: The labs already have procedures in place to address multiple inquiries. Typically the goal is to deploy the technology as widely as possible. So, limited field of use may be considered. If there's an overlap in interest, the competing proposals will be reviewed on their merits.
- **Q6: Is there an advantage to applying early?**
  - A6: Absolutely, consistent with their current business practice, proposals are reviewed and evaluated as they are received by a lab. The labs will make Option/License decisions based on the proposals in hand. We suggest you apply as soon as you have a solid business proposition.

# FAQ (Cont'd)



- **Q7: Can I obtain more than one Option?**
  - A7: There is currently no limit on the number of Options a start-up can obtain. In fact, multiple Options may be useful in capturing the IP to address the needs of the start-up. However, executing multiple agreements in *different technology* areas is not recommended and may reflect poorly on the start-up ability to meet agreed-upon milestones.
- **Q8: Who can I contact if I run into any issues while applying for the program that is not being addressed by the Technology Transfer Office at the Lab?**
  - A8: Each DOE Laboratory has an Ombudsman for Technology Transfer that works with the Technology Transfer Coordinator at DOE Headquarters. The contact information for the Ombudsman can be found at each laboratory website. Please contact the Ombudsman if there are any issues in which you feel an impartial view might be helpful.

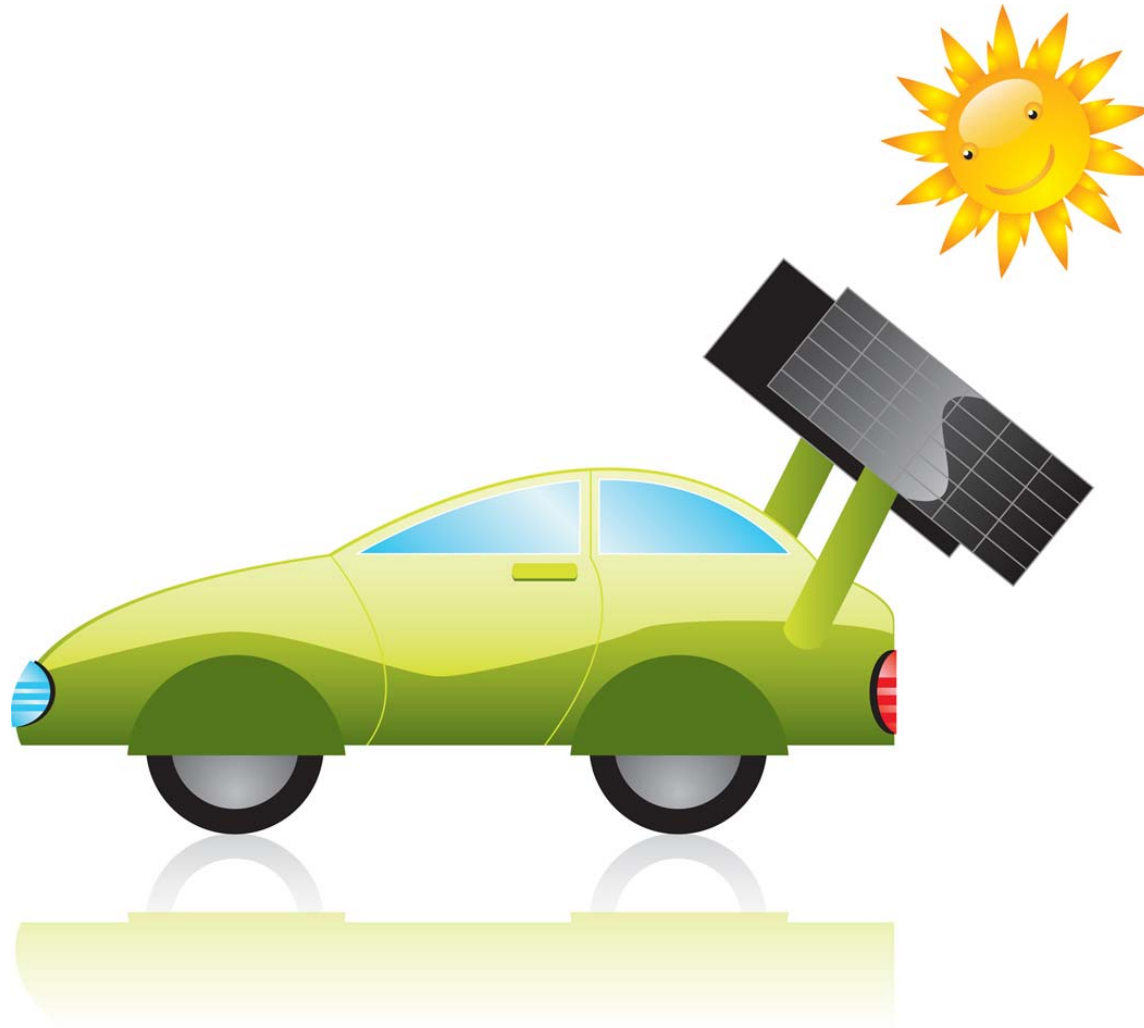


# FAQ (Cont'd)



- **Q9: Can the start-up work with a foreign entity?**
  - A9: Yes, however there are existing U.S. Manufacturing Licensing requirements that would be part of any exclusive license. In addition, there are ITAR and Export Control obligations that any U.S. company looking to work offshore must meet.
- **Q10: Will all program participants get to present at ARPA-E?**
  - A10: No. All participants in the program will compete for an opportunity to present at ARPA-E Innovation Summit.
- **Q11: What will the ultimate license terms be?**
  - A11: The program only applies to Option Agreements to enable greater access to DOE technologies. The ultimate terms will be negotiated consistent with the lab's standard licensing practice.
- **Q12: Will an Option affect my eligibility for other DOE programs?**
  - A12: No. Applying or receiving an Option will have no impact on your qualification for any other DOE opportunity.

# Thank you!



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